

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Aaron Phillipe RODRIGUEZ

Defendant.

BY:

Magistrate Case No: **07 MJ 2766**


COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **November 27, 2007**, within the Southern District of California, defendant **Aaron Phillipe RODRIGUEZ**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Miguel Artemio MORALES-Marquez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Mario Avila, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF
November, 2007.


UNITED STATES MAGISTRATE JUDGE

CEM

PROBABLE CAUSE STATEMENT

The complainant states that **Miguel Artemio MORALES-Marquez** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On November 27, 2007 at approximately 0420 hours **Aaron Phillippe RODRIGUEZ (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry. Defendant was the driver and sole visible occupant of a white 1996 Ford Explorer. Upon inspection before a Customs Border Protection (CBP) Officer Defendant gave two negative declarations. Defendant presented his California driver license and stated he was going to work in San Diego. Defendant stated that the vehicle belonged to his girlfriend. The CBP officer noticed that Defendant was over talkative and became suspicious of this behavior. Upon a cursory inspection of the vehicle a person was discovered concealed under tools and construction material in the cargo area. The vehicle and its occupants were escorted to secondary inspection for further investigation.

In secondary, CBP Officers removed construction equipment from the rear cargo area and assisted one male from concealment. The male was identified as a citizen of Mexico without legal documents to enter the United States. The male is now identified as **Miguel Artemio MORALES-Marquez (Material Witness)**.

During a videotaped interview Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowing that there was an undocumented alien concealed in the vehicle. Defendant admitted he was going to receive a monetary compensation of \$400.00 USD to smuggle the alien into the United States.

A videotaped interview was conducted with Material Witness. Material Witness stated he is a citizen of Mexico without legal documentation to enter the United States. Material Witness stated he was traveling to Los Angeles, California. Material Witness stated he was going to pay unknown persons \$3,000.00 upon his arrival to San Diego, California.